

REPORT OF THE COMMITTEE ON LAW ENFORCEMENT AND CORRECTIONS

APRIL 10, 2003

The Honorable,
The Board of Commissioners of Cook County

ATTENDANCE

Present: Chairman Maldonado, Vice Chairman Silvestri and Commissioners Butler, Gorman, Moreno and Peraica (6)

Absent: Commissioner Quigley (1)

Also Present: Commissioners Collins and Sims; Patrick Driscoll, State's Attorney's Office; Office, Judge Paul P. Biebel, Jr., Presiding Judge, Cook County Criminal Courts; James O'Rourke, Executive Director, Judicial Advisory Council.

Ladies and Gentlemen:

Your Law Enforcement and Corrections Committee of the Board of Commissioners of Cook County met pursuant to notice on Thursday, April 10, 2003 at the hour of 1:30 P.M. in the Board Room, Room 569, of the County Building, 118 North Clark Street, Chicago, Illinois to hear testimony from Judge Paul P. Biebel, Jr., Presiding Judge, Cook County Criminal Courthouse. Judge Biebel will speak on issues that affect overcrowding at Cook County Jail including parole holds, parole warrants, drug courts, and lengths of adjudication.

Chairman Maldonado began the meeting with opening remarks to the committee. He commented that this was the second in a series of hearings to examine overcrowding and violence at the Cook County Jail. He stated that although the Grand Jury investigation and the Sheriff's Task Force are necessary components to comprehensive reform, he believes county commissioners must respond to a federal decree that mandates a reduction in overcrowding and suggest meaningful reforms. The best way to suggest reforms, Chairman Maldonado stated, is through our county government committee structure.

Chairman Maldonado noted that at today's hearing Presiding Judge Paul Biebel, Jr., Cook County Criminal Courts, would be exploring jail overcrowding from a judicial perspective. Judge Biebel would also address parole holds, parole warrants, drug courts, and lengths of adjudication as they relate to the jail overcrowding. James O'Rourke, Executive Director of the Judicial Advisory Council would also bring comments on the Cook County Criminal Justice Coordinating Council's perspective on the overcrowding issue.

In closing, Chairman Maldonado stated that the State's Attorney, the Public Defender and the Sheriff's Office would testify on pretrial release programs and their effectiveness in reducing overcrowding at future public hearings.

Commissioner Peraica stated that he wanted to join Chairman Maldonado and Vice Chairman Hansen in welcoming Judge Paul Biebel and James O'Rourke. He stated that he looks forward to a frank discussion of the sources of problems both from a correctional point of view, a judicial point of view as well as looking at some of the administrative agencies such as the Secretary of State's Office, and other state and federal agencies that place detainees in the Cook County correctional system. The commissioner further noted that everyone recognizes that domestic violence and drug abuse contribute to the system, but traffic offenses, homelessness and mental illness all contribute one way or another to the jail overcrowding and violence being addressed today.

Commissioner Peraica commented that everyone should work together to address the common threads that led the county to this situation, and chart a course of action that can be implemented to provide real solutions to the problems the county is facing.

Chairman Maldonado introduced Judge Paul Biebel, Jr. for remarks.

In his remarks, Judge Biebel noted that he had taken steps to speed up court cases while continuing to work with other officials to curb overcrowding at Cook County Jail where the population has fallen in recent months. Judge Biebel stated that judges had been assigned to concentrate on high-volume drug-related cases and non-violent felony cases had been sent to suburban courthouses to make the system more efficient.

Judge Biebel noted that Cook County judges dispose of three times as many cases as judges in Los Angeles and five times as many cases as judges in New York City. He stated that in an effort to better address jail overcrowding without incurring increased costs, with the input and approval of the Chief Judge Timothy Evans, he implemented several changes in recent months. One courtroom was transformed into a full time drug courtroom where Judge John Fleming has been assigned. When the courtroom opened, the judge was given fifteen drug cases per day until his docket reached six hundred cases. He said the number of cases was later reduced to a daily docket of ten new cases. Judge Biebel observed that it is estimated that just one drug courtroom would dispose of over 2,200 cases in the year 2003.

To increase productivity levels, Judge Biebel noted that he reassigned current and new drug cases that had been previously assigned to judges that have retired or transferred. He stated that there are currently six courtrooms, and each courtroom is assigned twenty-four new drug cases per week. He stated that the judges funnel nearly 10,000 new drug cases per year.

In 2002, Judge Biebel ordered that all non-violent felony cases, including drug cases from District 25 and 8, be diverted to the seven judges located in suburban courthouses who hear felony cases. He noted that the number of cases in the suburban courthouses approximate those cases at 26th and California.

Judge Biebel stated that everyone is aware of the overcrowding conditions at the county jail, and that he appears before the federal judge who oversees the Duran consent decree. He further noted that on April 9, 2003, the jail population was 10,433, down from an average of 11,100 in April 2002, when Sheriff Michael Sheahan said he would put prisoners in tents if the population reached 12,000. He stated that the jail has 10,164 available beds and eighty-eight beds are in an area that is being renovated, resulting in the jail being over populated by 269 prisoners.

According to Judge Biebel some factors affecting the jail overcrowding are the 1,242 parole holds and warrants (590 are parole holds) issued by the Illinois Department of Corrections. He said this means that Cook County must hold the 590 prisoners and cannot release them, which is more than twice the number of prisoners being held in Cook County Jail without beds.

Judge Biebel noted that Professor Joseph Trotter, author of an extensive study of the criminal justice system in Cook County, which was published in 1989, is back to review, study and critique the county's system. Professor Trotter is from the American University in Washington, D.C. The judge said he looks forward to Professor Trotter's assistance, recommendations and judgment in making Cook County courts operate more efficiently.

Judge Biebel commented that, based on requests from President Stroger and Chief Judge Evans, he had extended the terms of the March 2003 regular Grand Jury to study and report on the conditions and treatments of the prisoners at Cook County Jail to determine whether any laws have been violated or neglected including the cause of such violations or neglect. Further, Judge Biebel stated that in the future he hopes to appoint an investigator to assist the Grand Jury.

In response to Commissioner Peraica's comments, Judge Biebel observed that Cook County has been innovative in terms of dealing with drug cases. The county has a model drug court and officials are looking at funding sources for both mental illness and drug issues. He stated that it has been estimated that forty percent of the Cook County Jail population has a diagnosable mental illness. He stated that he hopes to treat mental illness first, and then drug abuse cases. Finally, he noted that jail officials are also looking to institute more diversionary drug programs.

Commissioner Butler read statements from a Court Watchers Report into the record, and noted that the article had been sent to President Stroger and Chief Judge Evans. Judge Biebel commented that he has the report and that the concerns outlined in the report are the same issues he will be addressing.

In response to questions by Commissioner Peraica, Judge Biebel responded that court delays result from a number of things. He said each case has its own individual facts, which is one area Professor Trotter will address. The judge further noted that this is a complicated issue that he and Chief Judge Evans are addressing. He said that T.A.S.C. has completed a study on the issue. Judge Biebel noted that a second study was completed in 1967 by the Grand Jury.

In response to a question by Commissioner Collins, Judge Biebel stated that a high percentage of guilty pleas are from persons who have Public Defenders because a high percentage of the defendants are represented by Public Defenders. He also noted that he served as a Public Defender for Cook County for eighteen months and the level of representation of Public Defenders is very high. The judge stated that he would try to get the percentage of guilty pleas of people who use a Public Defender as requested by Commissioner Collins.

In response to Commissioner Suffredin's question, Judge Biebel stated there is no written order extending the March Grand Jury to review the jail but he plans to write the order. The judge also stated that once a report is made, it would be distributed to the commissioners.

Chairman Maldonado observed that 1967 was the first time the Grand Jury reviewed conditions at the Cook County Jail and 2003 would be the second time. The chairman asked if there are plans to conduct the reviews once every three years?

Judge Biebel stated that this is just a start and this is something he would review.

Chairman Maldonado asked James O'Rourke, Executive Director of the Judicial Advisory Council to make a presentation.

James O'Rourke stated that the Coordinating Council was established in 1989 and is a result of a recommendation from Professor Joseph Trotter of American University. The Council's purpose is get the elected officials and the senior appointed officials in the county's justice system to meet on a regular basis to effect change in the system. The Council includes the President of the Cook County Board, the Chairman of the Judicial Advisory Council, Chief Judge of the Circuit Court, Presiding Judge of the Criminal Division, State's Attorney, Sheriff, Public Defender, the Coordinator of the Bureau of Public Safety and the Superintendent of Chicago Police. The membership has been expanded to include the Director of the Department of Human Services, the Director of the Illinois Department of Corrections and the Deputy Governor for Criminal Justice. Mr. O'Rourke stated that his role is to act as the Secretary of the Council and to facilitate discussions of common concerns and implement changes among the members.

Commissioner Moreno noted during public hearings held last year, it was suggested that the county acquire the building across from 26th Street and California to house three to four hundred inmates for treatment of alcohol, substance abuse or mental health problems. The commissioner commented on the Thresholds program, which has proven to have a very high rate of reducing the recidivism ratio for people with mental health problems.

In response to Commissioner Hansen's questions regarding whether an additional judge or courtroom would help expedite what the county is doing in regards to parole holds, James O'Rourke responded in the affirmative. The commissioner noted his previous request of the Judicial Advisory Council regarding responsibility of the State of Illinois for parole holds that are currently being funded by the county. He requested that the matter be addressed in a Board resolution prepared by the Judicial Advisory Council.

Chairman Maldonado asked if the Illinois Department of Human Services funds the treatment program for the mentally ill.

Mr. O'Rourke responded that the county funds its own drug beds, including contracts with Gateway, T.A.S.C. and other providers. The Department of Community Services and Intervention (DCSI) has a drug treatment facility and the county also funds those beds. However, on a State wide basis the Department of Human Services is the department that has responsibility for providing drug treatment beds. He further observed that the Coordinating Council is working with the Illinois Department of Human Services to see if the county's share could be increased to fund more drug treatment beds.

In response to Chairman Maldonado's inquiry, Mr. O'Rourke commented on Professor Trotter's findings on the jail and noted that the report identified each component of the county's judicial system and how it could work more efficiently. He further noted that one of the recommendations was the establishment of the Cook County Criminal Justice Coordinating Council, the establishment of DCSI so that the county has a formal mechanism to release non-violent offenders under the supervision of the Sheriff, but outside the confines of the Department of Corrections. He concluded by saying that these are only two of the recommendations, and there are many other recommendations that have been implemented. He stated that he would distribute a complete list of recommendations to the commissioners.

In regards to the current status of the second report, Mr. O'Rourke noted that it is in the preliminary stage. Professor Trotter has already spoken to the elected and appointed officials of the judicial system and is scheduled to report back to the Coordinating Council soon, where he will present his findings and recommendations. The Coordinating Council will then ask the County Board to enter into a contract with Professor Trotter for a complete review of the judicial system, similar to what was done ten years ago.

Chairman Maldonado asked Mr. O'Rourke to include the Law Enforcement and Correction Committee in providing the fiscal impact of any state proposed legislation as he does with the Judicial Advisory Council.

Commissioner Suffredin asked Mr. O'Rourke if he has looked at the Governor's proposed budget and the impact it will have on Cook County's budget.

Mr. O'Rourke stated that he had not looked at the Governor's budget beyond the newspaper accounts, but he would look at it. He stated that the Coordinating Council is concerned with a number of issues at the Detention Center, the Public Defender's Office and other programs that Cook County relies on.

Public Testimony

1. Zakiyyah S. Muhammad – concerned citizen
2. George Blakemore – concerned citizen
3. Floyd Stevenson – concerned citizen
4. Maurice Perkins – President, Inner City Youth Foundation
5. Edmund Abdullah – concerned citizen
6. Andrew Nelson – Member of Amnesty International
7. Eunice Wigfall – concern citizen

Commissioner Suffredin, moved to adjourn the meeting, seconded by Commissioner Moreno. The motion carried and the meeting was adjourned.

Respectfully submitted by the
Committee on Law Enforcement and
Corrections

Roberto Maldonado, Chairman

Attest:

Sandra K. Williams, Secretary

The transcript for this meeting is available in the Office of the Secretary to the Board, 118 North Clark Street, Room 567, Chicago, IL 60602